

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WINERIES OF THE OLD MISSION
PENINSULA, *et al.*,

Plaintiffs,

v.

PENINSULA TOWNSHIP, a Michigan Municipal
Corporation,

Defendant,

And

PROTECT THE PENINSULA,
Intervenor-Defendant.

Case No.: 1:20-cv-1008-PLM
Honorable Paul L. Maloney
Magistrate Judge Ray S. Kent

**DEFENDANT PENINSULA
TOWNSHIP'S MOTION FOR
SUMMARY JUDGMENT ON
PREEMPTION CLAIMS**

****ORAL ARGUMENT REQUESTED****

<p>Stephen Michael Ragatzki (P81952) Christopher James Gartman (P83286) Joseph Mikhail Infante (P68719) MILLER CANFIELD Attorneys for Plaintiffs 99 Monroe Avenue NW, Ste 1200 Grand Rapids, MI 49503 (616) 776-6351 ragatzki@millercanfield.com gartman@millercanfield.com infante@millercanfield.com</p> <p>Barry Kaltenbach MILLER CANFIELD Attorneys for Plaintiffs 227 Monroe Street, Ste 3600 Chicago, IL 60606 (312) 460-4200 kaltenbach@millercanfield.com</p>	<p>Thomas J. McGraw (P48817) McGRAW MORRIS P.C. Attorneys for Defendant 2075 W. Big Beaver Road, Ste 750 Troy, MI 48084 (248) 502-4000 tmcgraw@mcgrawmorris.com</p> <p>Bogomir Rajsic, III (P79191) McGRAW MORRIS P.C. Attorneys for Defendant 300 Ottawa Avenue, NW, Suite 820 Grand Rapids, MI 49503 (616) 288-3700/Fax (616) 214-7712 brajsic@mcgrawmorris.com</p>
<p>Scott Robert Eldridge (P66452) MILLER CANFIELD Attorneys for Plaintiffs One E. Michigan Avenue, Ste 900 Lansing, MI 48933 (517) 487-2070 eldridge@millercanfield.com</p>	<p>William K. Fahey (P27745) Christopher Scott Patterson (P74350) John Seamus Brennan (P55431) Steven R. Baker (P83153) FAHEY SCHULTZ PLC Attorneys for Defendant 4151 Okemos Road Okemos, MI 48864 (517) 381-0100 wfahey@fsbirlaw.com cpatterson@fsbirlaw.com jbrennan@fsbirlaw.com sbaker@fsbirlaw.com</p>

John Stephen Gilliam (P81421) PLUNKETT COONEY Attorneys for Defendant 38505 Woodward Ave. Ste 100 Bloomfield Hills, MI 48034 (248) 433-7082 jgilliam@plunkettcooney.com	Tracy Jane Andrews (P67467) Holly L. Hillyer (P85318) TROPOSPHERE LEGAL Attorneys for Intervenor 619 Webster Street Traverse City, MI 48686 (231) 714-9402 tracy@tropospherelegal.com holly@tropospherelegal.com
--	--

**DEFENDANT PENINSULA TOWNSHIP'S MOTION FOR
SUMMARY JUDGMENT ON PREEMPTION CLAIMS**

ORAL ARGUMENT REQUESTED

NOW COMES Defendant, Peninsula Township, by and through its attorneys, McGraw Morris, P.C., and hereby moves for Summary Judgment pursuant to Fed. R. Civ. P. 56(a) on Count VIII of Plaintiffs' First Amended Complaint – the preemption claims – and in support of the same relies upon its Brief in Support and the exhibits attached.

WHEREFORE, Defendant, Peninsula Township, for the independent reasons outlined in its supporting brief, respectfully requests that this Honorable Court grant summary judgment in favor of Peninsula Township on Count VIII of Plaintiffs' First Amended Complaint and dismiss Count VIII with prejudice and with costs taxed against Plaintiffs.

McGRAW MORRIS, P.C.
Attorneys for Defendant Peninsula Township

Dated: September 11, 2023

BY: /s/ Bogomir Rajsic, III
Bogomir Rajsic, III (P79191)
Tracey R. DeVries (P84286)
300 Ottawa Avenue, NW, Ste. 820
Grand Rapids, MI 49503
(616) 288-3700
brajsic@mcgrawmorris.com

Thomas J. McGraw (P48817)
2075 W. Big Beaver Rd., Suite 750
Troy, MI 48084
(248) 502-4000
tmcgraw@mcgrawmorris.com